

COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS

AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Planning and Building		(2) MEETING DATE January 24, 2006		(3) CONTACT/PHONE Nick Forester, Planner (805) 781-1163	
(4) SUBJECT Hearing to consider an appeal by Donald Carnine of the Subdivision Review Board disapproval of a request by Donald Carnine for a Tentative Parcel Map using the Transfer of Development Credits program to subdivide an existing 40 acre parcel into two parcels of 20 acres each. The proposed project is within the Agriculture land use category and is located at 4242 Las Tablas-Willow Creek Road, approximately 3.5 miles west of the community of Templeton. The site is in the Adelaida planning area. (SUPERVISORIAL DISTRICT 1)					
(5) SUMMARY OF REQUEST The applicant, Donald Carnine is requesting that the Board Of Supervisors overturn the November 7, 2005 decision of the Subdivision Review Board denying Tentative Parcel Map CO 05-0090. The applicant requests that Board Of Supervisors approve Tentative Parcel Map CO 05-0090 using the Transfer of Development Credits program to subdivide an existing 40 acre Agriculture zoned parcel into two parcels of 20 acres each.					
(6) RECOMMENDED ACTION Adopt the resolution affirming the decision of the Subdivision Review Board denying the application of Donald Carnine for Tentative Parcel Map CO 05-0090 based on the findings in Exhibit A.					
(7) FUNDING SOURCE(S) Appeal Fees		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Templeton Area Advisory Group, Subdivision Review Board, County Agriculture Department, County Counsel					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input checked="" type="checkbox"/> 1st, 2nd, 3rd, 4th, 5th, All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 30 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW

OK Leslie Brown

C-3
(1-24-06)



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS
FROM: NICK FORESTER, CURRENT PLANNING
VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING
DATE: JANUARY 24, 2006

SUBJECT: HEARING TO CONSIDER AN APPEAL BY DONALD CARNINE OF THE SUBDIVISION REVIEW BOARD DISAPPROVAL OF A REQUEST BY DONALD CARNINE FOR A TENTATIVE PARCEL MAP CO 05-0090 USING THE TRANSFER OF DEVELOPMENT CREDITS PROGRAM TO SUBDIVIDE AN EXISTING 40 ACRE PARCEL INTO TWO PARCELS OF 20 ACRES EACH. THE PROPOSED PROJECT IS WITHIN THE AGRICULTURE LAND USE CATEGORY AND IS LOCATED AT 4242 LAS TABLAS-WILLOW CREEK ROAD, APPROXIMATELY 3.5 MILES WEST OF THE COMMUNITY OF TEMPLETON. THE SITE IS IN THE ADELAIDA PLANNING AREA. (SUPERVISORIAL DISTRICT 1)

RECOMMENDATION

Adopt the resolution affirming the decision of the Subdivision Review Board denying the application of Donald Carnine for Tentative Parcel Map CO05-0090 based on the findings in Exhibit A.

DISCUSSION

On November 7, 2005 the Subdivision Review Board Permit denied a request by Donald Carnine for a Tentative Parcel Map using the Transfer Of Development Credits program to subdivide an existing 40 acre parcel into two parcels of 20 acres each. The proposed project is within the Agriculture land use category and is located at 4242 Las Tablas-Willow Creek Road, approximately 3.5 miles west of the community of Templeton. The site is in the Adelaida Planning Area.

Subdivisions of Agricultural land not proposing to use the Transfer of Development Credit program must qualify based on the agricultural use of the land or based on the soil types.

The project site is developed with two residences, an accessory barn and approximately 10 acres of dry farmed walnut orchard. The remainder of the site appears to be used for grazing. These agricultural uses do not meet the minimum requirements established by the Land Use Ordinance for a standard subdivision, which would require a minimum of 40 acres of dry farm orchard or 320 acres of grazing per parcel. The site consists of approximately 11.8 acres of class II soils (nonirrigated) and 30 acres of class VI soils. If irrigated, only approximately one acre of the sites soil would qualify as class two soil, while other soil classifications would not

change. These soils types do not meet the minimum requirements established by the Land Use Ordinance for a standard subdivision, which would require a minimum of twenty acres of class I or II soils for each parcel.

The Agriculture Category subdivision standards were established to protect agricultural resources for long term agricultural uses. Surrounding properties are in the Agriculture land use category and support wine grape vineyards, dry farm orchards, dry farmed grain and grazing uses.

On November 7, 2005, the Planning Department received an appeal of this decision by the applicant, Donald Carnine. The following discusses the issues raised in the appeal.

APPEAL ISSUES:

The appellant contends that the findings in the staff report dated October 3, 2005 are "erroneous and based on misinformation and misinterpretation of the Land Use Ordinance". The specific issues raised in the appeal are as follows.

Appeal Issue 1: "Finding B: This proposal is for twenty acre parcels. These parcels can support more than rural residences and are large enough to continue, and in fact, increase agricultural usage."

STAFF RESPONSE: Finding B states: "The proposed map is inconsistent with applicable county general and specific plans because it does not comply with Ag and Open Space Policy 4 (small lot agriculture), as the project would create parcels that would only support rural residences and would not be large enough for viable agricultural uses."

Ag and Open Space Element Policy 4 encourages the use of small parcels in Agriculture land use category for establishment of small scale agricultural uses. The purpose of this policy is to encourage agricultural uses on existing small agriculturally zoned parcels and discourage rural residences as the principle use.

The application was referred to the county Agriculture Department and in the response dated May 19, 2005, the county Agriculture Department determined that the proposal would result in potentially significant impacts to agricultural resources and/or operations because each proposed parcel would not have adequate resources to ensure sustainable long term agricultural production.

The proposed map is inconsistent with applicable county general and specific plans because it does not comply with Ag and Open Space Policy 4 (small lot agriculture), as the project would create parcels that would only support rural residences and would not be large enough for viable agricultural uses.

Appeal Issue 2: "Finding C: No evidence was produced to prove "this subdivision would erode the rural area between Paso Robles and the large rural parcels to the north and west of the project site". There is no specific information of the nature of the "eroding" to the parcels, how this would occur and what would cause it."

STAFF RESPONSE: Finding C states: "The proposed map is inconsistent with applicable county general and specific plans because it does not comply with General Goal 8 of Framework for Planning (distinction between urban and rural development) because this subdivision would erode the rural area between Paso Robles the large rural parcels to the north and west of the project site."

Framework for Planning, General Goal 8 states that land uses should "Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominantly agriculture, low intensity recreation, residential and open space uses which will preserve and enhance the pattern of identifiable communities." The property is located in a transition area with smaller parcels to the south and larger parcels to the north. Subdivision of the parcel will create a precedent that could lead to a pattern of future subdivision of the larger agricultural parcels to the north that will erode the distinction between urban and rural areas and would be clearly inconsistent with Framework for Planning, General Goal 8.

Appeal Issue 3: "Finding D: No evidence was given to prove that "it would not protect" or otherwise destroy agriculturally zoned land. Contrarily, the proposal would allow for expanded use of the Vierra parcel for their specialty stock purposes."

STAFF RESPONSE: Finding D states: "The proposed map is inconsistent with applicable county general and specific plans because it does not comply with General Goal 10 of Framework for Planning (protection of agriculture land) because it would not protect agriculturally zoned land for the purposes of the production of food, fiber and other agricultural commodities consistent with the Agriculture land use category."

Framework for Planning, General Goal 10 states that land uses should "Encourage the protection of agricultural land for the production of food, fiber, and other agricultural commodities.

The application was referred to the county Agriculture Department and in the response dated May 19, 2005, the county Agriculture Department determined that the proposal would result in potentially significant impacts to agricultural resources and/or operations because each proposed parcel would not have adequate resources to ensure sustainable long term agricultural production.

At 20 acres each, the proposed parcels would not appear to be of adequate size to establish a viable agricultural use and the proposed parcel map is inconsistent with Framework for Planning, General Goal 10.

Appeal Issue 4: "Finding E: There is no proposed development, see Project Description attached, therefore there can be no proposed development on SRA, FH, GSA or other environmentally designated lands."

STAFF RESPONSE: Finding E states: "The proposed map is not consistent with the county zoning and subdivision ordinances because the parcel does not meet the criteria to be a receiving site. Section 22.24.070.A.5 of the Land Use Ordinance, the Transfer of Development Credit (TDC) Program, requires that: The footprint of the area proposed for development is outside of Sensitive Resource Area (SRA), Flood Hazard (FH), Geologic Study Area (GSA), Earthquake Fault Zone and the Very High Fire Hazard Area. The access driveway on proposed parcel two is located within the mapped Flood Hazard zone. Access driveways are included within the definition of development as used in the TDC ordinance. Because the project



proposes to use the TDC ordinance to create a parcel with development within the mapped Flood Hazard Zone, the application is inconsistent with Section 22.24.070.A.5 of the TDC ordinance."

The applicant is requesting a subdivision of the 40 acre parcel that would result in two parcels of 20 acres each based on the provisions of the county TDC program. Land Use Ordinance Section 22.24.070 (Transfer of Development Credits) provides for division of sites which do not otherwise qualify for division through use of the Transfer Development Credit (TDC) program. This program allows density to be transferred from an already established "sending site" to a "receiver site". The Transfer Development Credit (TDC) program provides for the creation of one additional parcel on properties which cannot otherwise qualify for a subdivision, including properties within the Agriculture land use category, if the property meets all the other criteria to be designated a receiver site.

To qualify as a receiver site under Section 22.24.070 of the Land Use Ordinance, the site must meet the following criteria:

- (1) The project is recommended for a mitigated negative declaration.
- (2) The site is not within agricultural preserve.
- (3) The site is within 10 miles of an urban reserve line.
- (4) The footprint of the area proposed for development is located on less than 30 percent slopes.
- (5) The footprint of the area proposed for development is outside of Sensitive Resource Area(SRA), Flood Hazard(FH), Geologic Study Area(GSA), Earthquake Fault Zone and the Very High Fire Hazard Area.
- (6) The footprint of the area proposed for development is outside of a Significant Biological, Geographical or Riparian Habitat as defined by the Natural Areas Plan (appendix B of the Ag and Open Space Element of the general plan).
- (7) The development complies with all development standards, water, sewage disposal and access standards and all land division standards as set forth in Titles 19, 21, and 22.

Proposed Parcel 2 has a Flood Hazard designation covering the eastern portion of the parcel. The access driveway on proposed parcel two is located within the mapped Flood Hazard zone.

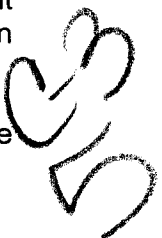
Title 22 of the San Luis Obispo County Code defines development as: "Any activity or alteration of the landscape, in its natural terrain contour or vegetation, including the alteration of buildings or structures. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use after the effective date of this title".

Access driveways constitute an alteration of the natural terrain, contour and vegetation and are included within the definition of development as used in Title 22 of the County Code.

The intent of Section 22.24.070.A(5) of the TDC ordinance is to prohibit the use of the TDC ordinance to create parcels with development in the Flood Hazard zone.

Because the project proposes to use the TDC ordinance to create a parcel with development within the mapped Flood Hazard Zone, the application is inconsistent with Section 22.24.070.A(5) of the Land Use Ordinance.

Appeal Issue 5: "Finding F: "The proposed parcels are equal to an average size of the parcels given with any designated parameters that include all directions or distances from the



project site in that there are multiple smaller sized parcels (and larger and same sized parcels) in the area."

STAFF RESPONSE: Finding F states "The proposed parcels are smaller than the majority of surrounding agricultural parcels to the north, making the proposed parcels inconsistent with the pattern of development of the area".

Staff reiterates that the proposed parcels are smaller than the majority of surrounding agricultural parcels to the north, making the proposed parcels inconsistent with the pattern of development of the area. The parcels to the north range in size from 100 to 40 acres. The proposed parcels would be 20 acres in size.

OTHER AGENCY INVOLVEMENT: Templeton Area Advisory Group, Subdivision Review Board, County Agriculture Department, County Counsel.

FINANCIAL CONSIDERATIONS

The required appeal fee was paid at the time the appeal was submitted.

RESULTS

Denial of the appeal and denial of the tentative parcel map will result in no change to the present parcel configuration.

Approval of the appeal and approval of the tentative parcel map will allow for the project to go forward and will result in the creation of two Agriculture-zoned parcels of twenty acres each.

ATTACHMENTS

1. Resolution upholding the Subdivision Review Board decision.
2. Appeal Form.
3. Letter from appellant addressing appeal issues.
4. Staff report, with attachments from the April 28, 2005 Planning Commission hearing.

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

24th day of January, 2006

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AFFIRMING THE DECISION OF THE
SUBDIVISION REVIEW BOARD AND DENYING
THE APPLICATION OF DONALD CARNINE
FOR TENTATIVE PARCEL MAP CO05-0090

The following resolution is now offered and read:

WHEREAS, on November 7, 2005, the Subdivision Review Board of the County of San Luis Obispo (hereinafter referred to as the "SRB") duly considered and denied the application of DONALD CARNINE for Tentative Parcel Map CO05-0090; and

WHEREAS, DONALD CARNINE has appealed the SRB's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Titles 21 and 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on January 24, 2006, and a determination and decision was made on January 24, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the SRB should be affirmed subject to the findings set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.



3. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

5. That the appeal filed by DONALD CARNINE is hereby denied and the decision of the SRB is affirmed that the application of DONALD CARNINE for Tentative Parcel Map CO04-0090 is hereby denied..

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: 1.03.06

STATE OF CALIFORNIA,)
)
County of San Luis Obispo) ss

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2002.

Handwritten initials: C3 2

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By: _____
Deputy Clerk

CA

FINDINGS - EXHIBIT A

Environmental Determination

- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

Tentative Map

- B. The proposed map is inconsistent with applicable county general and specific plans because it does not comply with Ag and Open Space Policy 4 (small lot agriculture), as the project would create parcels that would only support rural residences and would not be large enough for viable agricultural uses.
- C. The proposed map is inconsistent with applicable county general and specific plans because it does not comply with General Goal 8 of Framework for Planning (distinction between urban and rural development) because this subdivision would erode the rural area between Paso Robles the large rural parcels to the north and west of the project site.
- D. The proposed map is inconsistent with applicable county general and specific plans because it does not comply with General Goal 10 of Framework for Planning (protection of agriculture land) because it would not protect agriculturally zoned land for the purposes of the production of food, fiber and other agricultural commodities consistent with the Agriculture land use category.
- E. The proposed map is not consistent with the county zoning and subdivision ordinances because the parcel does not meet the criteria to be a receiving site. Section 22.24.070.A.5 of the TDC ordinance requires that : The footprint of the area proposed for development is outside of Sensitive Resource Area(SRA), Flood Hazard(FH), Geologic Study Area(GSA), Earthquake Fault Zone and the Very High Fire Hazard Area. The access driveway and on proposed parcel two is located within the mapped Flood Hazard zone. Access driveways are included within the definition of development as used in the TDC ordinance. Because the project proposes to use the TDC ordinance to create a parcel with development within the mapped Flood Hazard Zone, the application is inconsistent with Section 22.24.070.A.5 of the TDC ordinance.
- F. The proposed parcels are smaller than the majority of surrounding agricultural parcels to the north, making the proposed parcels inconsistent with the pattern of development of the area.



Inland Appeal Application

San Luis Obispo County Department of Planning and Building

PROJECT INFORMATION

Type of permit being appealed:

- ☐ Plot Plan ☐ Site Plan ☐ Minor Use Permit ☐ Development Plan ☐ Variance
☒ Land Division ☐ Lot Line Adjustment ☐ Sending Site Determination ☐ Other _____

File Number: SUB 2004-00348 COAL 05-0090

The decision was made by:

- ☐ Planning Director ☐ Building Official ☐ TDC Review Committee ☐ Administrative Hearing Officer
☒ Subdivision Review Board ☐ Planning Commission ☐ Other _____

Date the application was acted on 11-7-05

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access ☐ Planning Commission ☒ Board of Supervisors

BASIS FOR APPEAL

Appeal Reasons: Please state your reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed (*attach additional sheets if necessary*). Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

Appeal Denial of project based upon interpretation of the rules and other.

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal (<i>attach additional sheets if necessary</i>)
<u>all</u>	

APPELLANT INFORMATION

Print name: Don Carnine

Address: 4242 Willow Creek Rd PR Phone Number (daytime): 238-9478

We have completed this form accurately and declare all statements made here are true.

[Signature]
Signature

11-7-05
Date

OFFICE USE ONLY

Date Received: 11-7-05
Amount Paid: \$604.7

By: MLV
Receipt No. (if applicable): _____

Revised 7/31/01/ep

EMK&Associates, Inc.

Engineers • Surveyors • Planners

November 18, 2005
05-381

San Luis Obispo County Planning Department
Attn: Nick Forester
County Government Center
San Luis Obispo, CA 93408

RE: Tentative Parcel Map CO 05-0090 Carnine

This letter is regarding the Appeal to the Board of Supervisors of the decision by Subdivision Review Board on November 7, 2005 to deny the project based upon the findings in the Staff Report.

It is our position that the findings in the Staff report dated October 3, 2005 are erroneous and based on misinformation and misinterpretation of the Land Use Ordinance.

Specifically, as follows:

Finding B: This proposal is for twenty acre parcels. These parcels can support more than rural residences and are large enough to continue, and in fact, increase agricultural usage.

Finding C: No evidence was produced to prove "this subdivision would erode the rural area between Paso Robles the large rural parcels to the north and west of the project site". There is no specific information of the nature of the "eroding" to the parcels, how this would occur and what would cause it.

Finding D: No evidence was given to prove that "it would not protect" or otherwise destroy agriculturally zoned land. Contrarily, the proposal would allow for expanded use of the Vierra parcel for their specialty stock purposes.

Finding E: There is no proposed development, see Project Description attached, therefore there can be no proposed development on SRA, FH, GSA or other environmentally designated lands.

Finding F: The proposed parcels are equal to an average size of parcels given with any designated parameters that include all directions or distances from the project site in that there are multiple smaller sized parcels (and larger and same sized parcels) in the area.

Additionally, a petition was presented by 16 landowners in the area stating that they have no objections to the Carnine proposal. No neighbors in this area presented objections by writing or in person.

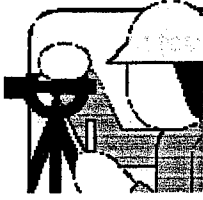


1005 Railroad, Paso Robles, California 93446 (805) 238-5427

RECEIVED

NOV 21 2005

Planning & Bldg



EMK & ASSOCIATES, INC.
1005 RAILROAD STREET
PASO ROBLES, CA 93446
PH (805) 238-5427 FAX 238-5810
e-mail me at: emk_tob@pacbell.net

PROJECT DESCRIPTION PARCEL MAP NO.

Date: April 14, 2005

Job No.: 05-381

From: Tobey T. Osgood, Survey and Mapping Technician

This Tentative Parcel Map involves 1 parcel in the Adelaida Planning area. The Parcel was created by map 27 Pm 30 in 1978.

The property is currently used for dry farm walnuts and two existing residences. The parcel has double frontage with a residence on each road. Don and Shirley Carnine have a residence above the walnuts on the Westerly portion (4242 Las Tablas-Willow Creek Road). There is also a shop/barn appurtenant to their residence. There was previously an old house closer to Las Tablas-Willow Creek Road but it was demolished when their new (current) house was built in 1999.

Tom and Julie Vierra, son-in-law and daughter to Don and Shirley Carnine, put up a double-wide mobile home in 1989 on the Easterly side of the property (2815 Niderer Road). They replaced that mobile home with a standard (current) home in 2000. The two residences are separated by a hill and each has its own well, septic system, utilities, driveway, address etc. The Vierra residence is taxed separately as APN 920-000-968.

The Carnines would like to divide the 40.00 acre parcel into two 20.00 parcels in order to sell or otherwise convey the Easterly parcel to the Vierras so they can own the land their home is on. The Carnines and Vierras are willing to agree that no additional residences shall be built on the parcels (excepting guest or granny units which would abide by all the rules in effect at the time a permit is required—ie close to primary residence, no stove, no laundry etc.).

Since the parcel does not meet the requirements for new parcels in the Ag category by using the crop production method, the Carnines and Vierras are also applying for one TDC in order to create the new Vierra parcel. We have notified the adjacent owners as required.

We feel this subdivision would not be detrimental to agriculture or the community as it reflects the existing situation with the two residences already in place. This subdivision is logical as the parcel has two existing and separate road frontages and driveways. These

13

residences cannot even see each other. Additionally, the topographical feature (hill) between the properties makes a good dividing line. We feel the permanent preclusion of Secondary residences will contribute to reducing the establishment of residences in the rural area.

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Promoting the wise use of land
Helping build great communities

81

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

MEETING DATE October 3, 2005	CONTACT/PHONE Nick Forester 781-1163	APPLICANT Donald Carnine	FILE NO. CO 05-0090 SUB2004-00348
SUBJECT Request by Donald Carnine for a Tentative Parcel Map using the Transfer of Development Credits program to subdivide an existing 40 acre parcel into two parcels of 20 acres each. The proposed project is within the Agriculture land use category and is located at 4242 Las Tablas-Willow Creek road, approximately 3.5 miles west of the community of Templeton. The site is in the Adelaida planning area.			
RECOMMENDED ACTION Deny Tentative Parcel Map CO 05-0090 based on the findings listed in Exhibit A.			
ENVIRONMENTAL DETERMINATION This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 039-071-021	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None applicable to this project			
LAND USE ORDINANCE STANDARDS: L.U.O. section 22.24, Transfer of Development Credits			
EXISTING USES: Two single family residences			
SURROUNDING LAND USE CATEGORIES AND USES: <div style="display: flex; justify-content: space-between;"><div><i>North:</i> Agriculture / residences <i>South:</i> Agriculture / residences</div><div><i>East:</i> Rural Lands / residences <i>West:</i> Agriculture / residences</div></div>			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, Cal Trans, RWQCB, APCD, Templeton Community Advisory Group and the City of Paso Robles.	
TOPOGRAPHY: Gently sloping	VEGETATION: Walnut trees and oaks
PROPOSED SERVICES: Water supply: Individual well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: July 6, 2005

ORDINANCE COMPLIANCE:

Minimum Parcel Size

The property is zoned Agriculture. The westerly portion of the property (approximately 10 acres) is being used for dry farmed walnut orchard. No other agriculture was observed occurring on the site. The minimum parcel size allowed by Section 22.22.040 of the Land Use Ordinance for Dry Farm Orchards is 40 acres, and thus the property does not qualify for subdivision using the use test in the Agriculture land use category.

The property has 1.8 acres of class II soils. Minimum parcel size for class II soils based on the land capability test is 20 acres. The property has 13.71 acres of class IV soils. Minimum parcel size for class IV soils based on the land capability test is 40 acres. The property has 24.68 acres of class VI soils. Minimum parcel size for class VI soils based on the land capability test is 320 acres. The Land Use Ordinance requires that where a site contains more than one soils classification, each new parcel shall satisfy the minimum parcel size for the qualifying soils type. Because the subject property cannot satisfy the minimum parcel size for any of the soils types that are present, the property does not qualify for subdivision using the land capability test in the Agriculture land use category.

The applicant is requesting a subdivision of the 40 acre parcel that would result in two parcels of 20 acres each based on the provisions of the county Transfer of Development Credit Program(TDC).

TDC Receiver Site

Land Use Ordinance Section 22.24.070 provides for division of sites which do not otherwise qualify for division through use of the Transfer Development Credit (TDC) program. This program allows density to be transferred from an already established "sending site" to a "receiver site". The Transfer Development Credit (TDC) program provides for the creation of one additional parcel on properties which cannot otherwise qualify for a subdivision, including properties within the Agriculture land use category, if the property meets all the other criteria to be designated a receiver site.

To qualify as a receiver site under Section 22.24.070 of the Land Use Ordinance, the site must meet the following criteria:

- (1) The project is recommended for a mitigated negative declaration.
- (2) The site is not within agricultural preserve.
- (3) The site is within 10 miles of an urban reserve line.
- (4) The footprint of the area proposed for development is located on less than 30 percent slopes.

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- (5) The footprint of the area proposed for development is outside of Sensitive Resource Area(SRA), Flood Hazard(FH), Geologic Study Area(GSA), Earthquake Fault Zone and the Very High Fire Hazard Area.
- (6) The footprint of the area proposed for development is outside of a Significant Biological, Geographical or Riparian Habitat as defined by the Natural Areas Plan (appendix B of the Ag and Open Space Element of the general plan).
- (7) the development complies with all development standards, water, sewage disposal and access standards and all land division standards as set forth in Titles 19, 21, and 22.

Proposed Parcel 2 has a Flood Hazard designation covering the eastern portion of the parcel. The access driveway on proposed parcel two is located within the mapped Flood Hazard zone. Access driveways are included within the definition of development as used in the TDC ordinance. Because the project proposes to use the TDC ordinance to create a parcel with development within the mapped Flood Hazard Zone, the application is inconsistent with Section 22.24.070.A.5 of the TDC ordinance and staff is unable to make the findings necessary to recommend approval of the project to the review authority.

Ag and Open Space Element Policy 4 encourages the use of small parcels in Agricultural land use category for establishment of small scale agricultural uses. The purpose of this policy is to encourage agricultural uses on existing small agriculturally zoned parcels and discourage rural residences as the principle use. At 20 acres each, the proposed parcels would not appear to be of adequate size to establish a viable agricultural use. Therefore, the only use that could be established would be residential as the primary use of the site. This directly conflicts with Ag and Open Space Element Policy 4.

Agriculture Policy 15-Transfer of Development Credits, and Framework for Planning policies state that the purpose of the TDC program is to:

- Protect both land with agricultural capability and the business of agriculture itself.
- Help protect agricultural resources by guiding development to more suitable areas.
- Direct growth and development away from agricultural areas, thereby reducing potential conflicts with agricultural activities.

The proposed project would not protect agricultural resources. As proposed, it would:

- Divide a property with some agricultural potential into two properties each with inadequate resources to sustain a long-term agricultural operation.
- Fail to meet the objectives of the TDC program, which is to "relocate development from land with agricultural capability.

As mentioned above, the proposed subdivision is inconsistent with Section 22.24.070.A.5 of the TDC ordinance and the intent of the TDC ordinance.

Framework for Planning, General Goal 8 states that land uses should "Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominantly agriculture, low intensity recreation, residential and open space uses which will preserve and enhance the pattern of identifiable communities." The property is located in a transition area with smaller parcels to the south and larger parcels to the north. Subdivision of the parcel will create a precedent that could lead to a pattern of future subdivision

C2
17

of the larger agricultural parcels to the north which will erode the distinction between urban and rural areas and would be clearly inconsistent with Framework for Planning, General Goal 8.

Framework for Planning, General Goal 10 states that land uses should "Encourage the protection of agricultural land for the production of food, fiber, and other agricultural commodities. At 20 acres each, the proposed parcels would not appear to be of adequate size to establish a viable agricultural use and the proposed parcel map is inconsistent with Framework for Planning, General Goal 10.

PLANNING AREA STANDARDS:

None applicable to the project.

COMBINING DESIGNATIONS:

Flood Hazard

COMMUNITY ADVISORY GROUP REVIEW:

The Templeton Area Advisory Group reviewed the project at its August 18, 2005 meeting. A motion was made to not support the project. The motion was adopted with a vote of six in favor and one abstention.

TAAG does not support the use of a TDC to subdivide land in the Agriculture land use category for the following reasons:

1. TAAG endorsed the Agricultural Commissioner's recommendation to remove agricultural land from eligibility as TDC receiver sites. (TAAG to Board of Supervisors dated July 16, 2004).
2. In addition TAAG affirmed the same position in a letter to the Board of Supervisors dated May 20, 2005. In this letter TAAG endorsed recommendations about revising the TDC program prepared by the Planning Commission on May 12, to the Board of Supervisors. Planning Commission recommendation #7 states, "Consider not allowing lands within the Agriculture land use category to be used as receiver sites."

AGENCY REVIEW:

Public Works - Stock conditions

Environmental Health - Well documentation required for each lot prior to recordation.

County Parks - Pay Quimby fees.

City of Paso Robles - No comments received.

CDF - issued a Fire Safety letter dated May 31, 2005

RWQCB- No comments received.

Cal Trans- No comments received

APCD- No comments

Agricultural Department-Potential impacts to agriculture. See attached referral.

LEGAL LOT STATUS:

The one lot was legally created by a recorded parcel map.

Handwritten initials "CB" and the number "12" in the bottom right corner.

FINDINGS - EXHIBIT A

Environmental Determination

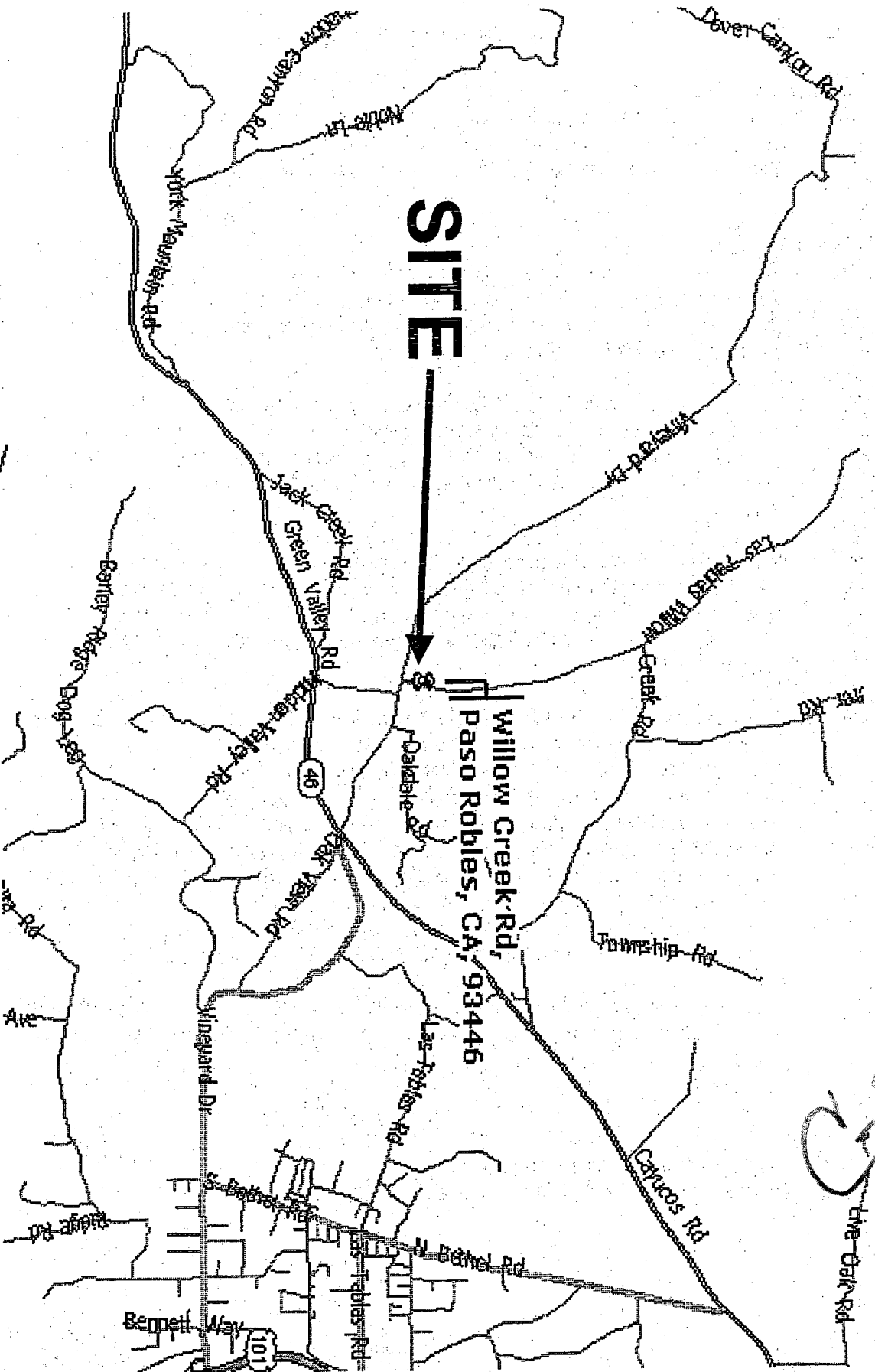
- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

Tentative Map

- B. The proposed map is inconsistent with applicable county general and specific plans because it does not comply with Ag and Open Space Policy 4 (small lot agriculture), as the project would create parcels that would only support rural residences and would not be large enough for viable agricultural uses.
- C. The proposed map is inconsistent with applicable county general and specific plans because it does not comply with General Goal 8 of Framework for Planning (distinction between urban and rural development) because this subdivision would erode the rural area between Paso Robles the large rural parcels to the north and west of the project site.
- D. The proposed map is inconsistent with applicable county general and specific plans because General Goal 10 of Framework for Planning (protection of agriculture land) because it would not protect agriculturally zoned land for the purposes of the production of food, fiber and other agricultural commodities consistent with the Agriculture land use category.
- E. The proposed map is not consistent with the county zoning and subdivision ordinances because the parcel does not meet the criteria to be a receiving site. Section 22.24.070.A.5 of the TDC ordinance requires that : The footprint of the area proposed for development is outside of Sensitive Resource Area(SRA), Flood Hazard(FH), Geologic Study Area(GSA), Earthquake Fault Zone and the Very High Fire Hazard Area. The access driveway and on proposed parcel two is located within the mapped Flood Hazard zone. Access driveways are included within the definition of development as used in the TDC ordinance. Because the project proposes to use the TDC ordinance to create a parcel with development within the mapped Flood Hazard Zone, the application is inconsistent with Section 22.24.070.A.5 of the TDC ordinance.
- F. The proposed parcels are smaller than the majority of surrounding agricultural parcels to the north, making the proposed parcels inconsistent with the pattern of development of the area.

Staff report prepared by Nick Forester
and reviewed by Kami Griffin, Supervising Planner

CP
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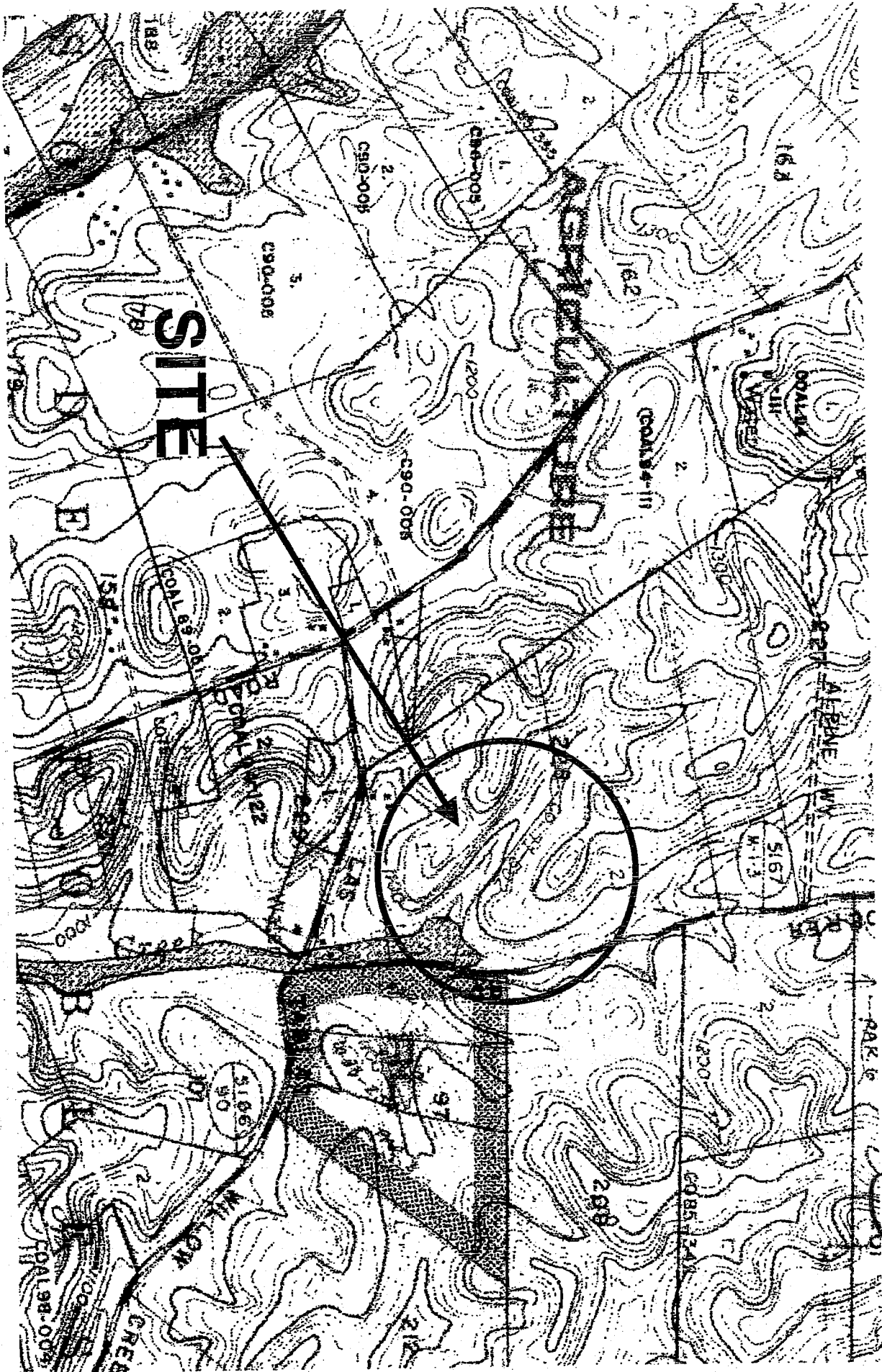
PROJECT

Parcel Map
Carline SUB2004-00348



EXHIBIT

Vicinity Map



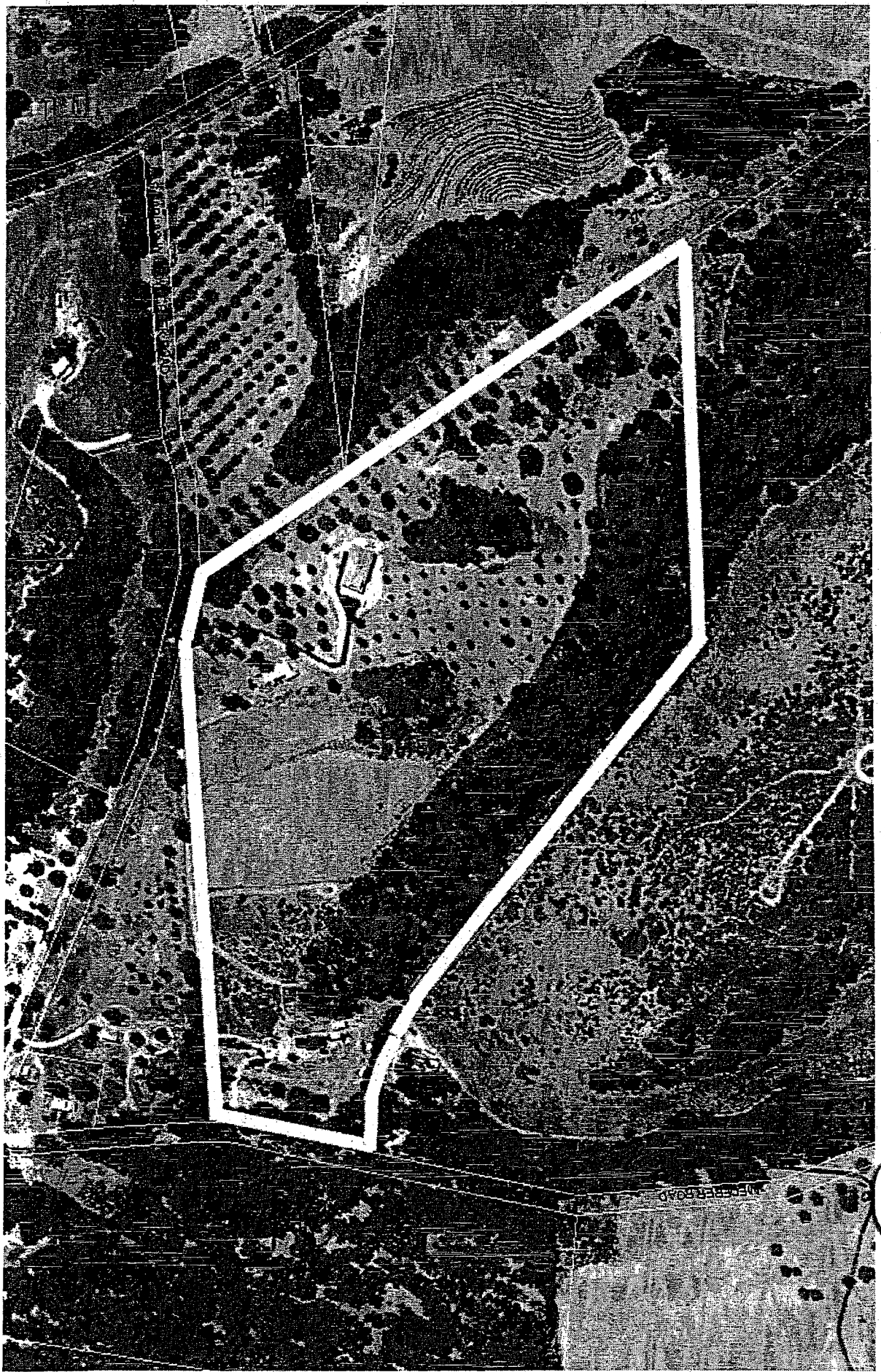
Parcel Map
Carmine SUB2004-00348



Land Use Category Map

12

28



PROJECT

Parcel Map
Carmine SUB2004-00348

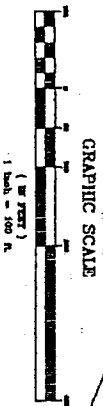
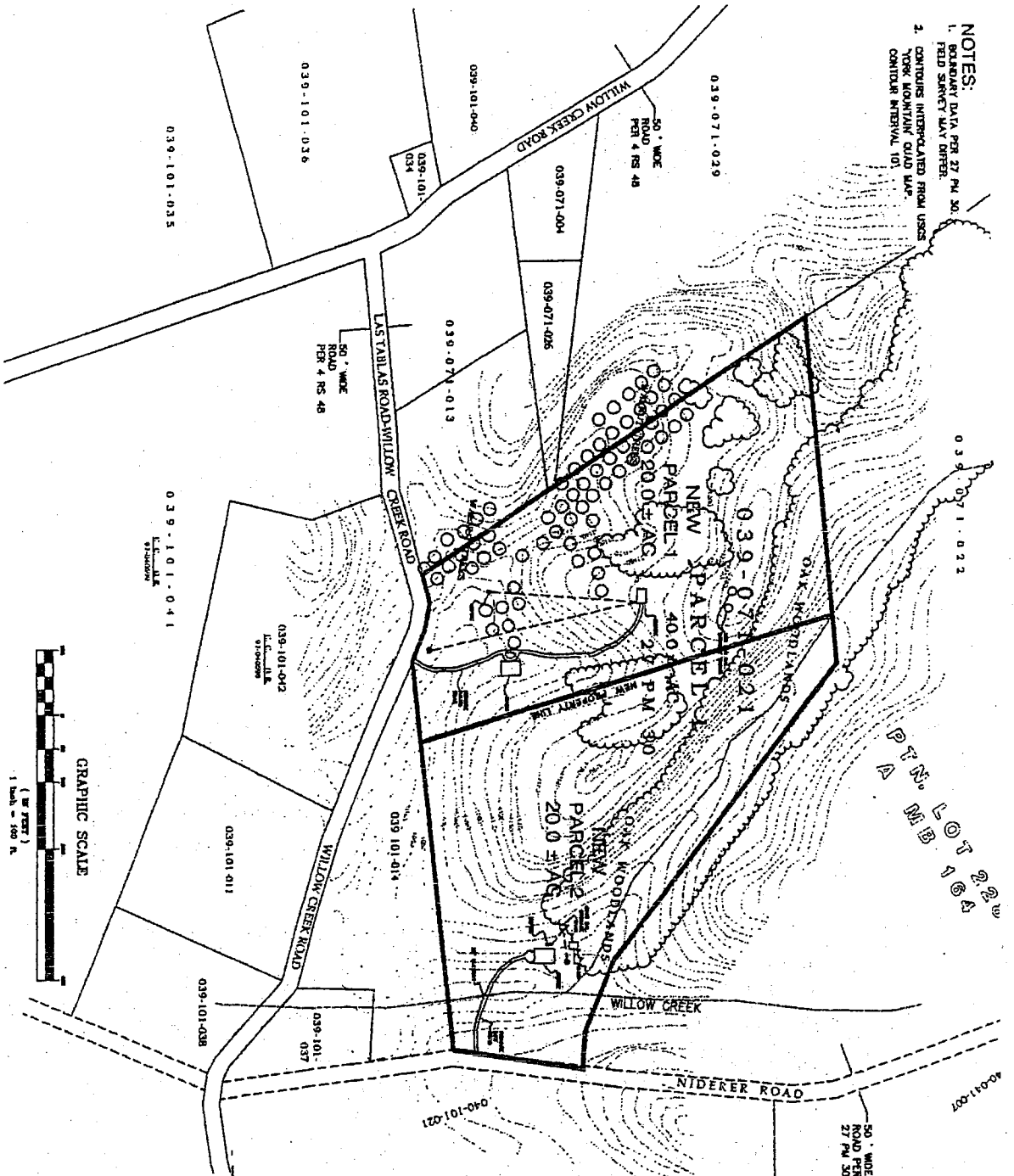


EXHIBIT

Aerial Photograph

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

- NOTES:
1. SURVEY DATA PER 27 PM 30.
 2. FIELD SURVEY MAY DIFFER.
 3. CONTOURS INTERPOLATED FROM USGS.
 4. TOPOG. MOUNTAIN QUAD MAP.
 5. CONTOUR INTERVAL 10'.



PROJECT

Parcel Map
Carmine SUB2004-00348



EXHIBIT

Site Plan

Handwritten signature or initials.

August 19, 2005

Templeton Area Advisory Group
PO Box 1135
Templeton, CA 93465-1135

Nick Forester, Planner
Department of Planning and Building
San Luis Obispo County Government Center

Subject: SUBDIVISION USING TDC; CO05-0090; Don and Shirley Carnine
4242 Las Tablas-Willow Creek Road, APN 036-071-021

Dear Mr. Forester:

At its August 18th meeting, TAAG reviewed the subject project.

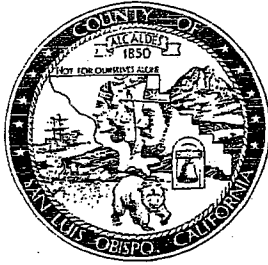
In a vote of 6 in favor and 1 abstention, TAAG does not support the use of a TDC to subdivide land in the agricultural land use category for the following reasons:

1. TAAG endorsed the Agricultural Commissioner's recommendation to remove Agricultural land from eligibility as TDC receiver sites. (TAAG to Board of Supervisors dated July 16, 2004).
2. In addition, TAAG affirmed the same position in a letter to the Board of Supervisors dated May 20, 2005.
In this letter TAAG endorsed recommendations about revising the TDC Program prepared by the Planning Commission on May 12th to the Board of Supervisors. Planning Commission recommendation #7 states, "Consider not allowing lands within the Agricultural land use category to be used as receiver sites."

Truly yours,

Dorothy Jennings
Templeton Area Advisory Group, Chairperson





COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY
AGRICULTURAL COMMISSIONER/SEALER

8-11
MAY 2 2005
(805) 781-5910
FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

DATE: May 19, 2005
TO: Nick Forester, Planning Department
FROM: Michael Isensee, Agriculture Department *MI*
SUBJECT: Carnine TDC Parcel Map SUB2004-00348 (1039)

Summary of Findings

The Agriculture Department's review finds that the proposal to use a Transfer of Development Credit (TDC) to subdivide a 40-acre project site into two parcels of twenty acres each within the Agricultural land use category would result in **potential significant impacts** to agricultural resources and/or operations because each proposed parcel would not have adequate resources to ensure sustainable long-term agricultural production. Additionally, the creation of substandard parcels in agricultural areas typically results in the development of non-agricultural uses that create additional incompatibilities with nearby agricultural operations.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

CS

A. Project Description and Agricultural Setting

The applicant is requesting to use a TDC to subdivide a 40-acre project site into two parcels of twenty acres each within the Agricultural land use category. The project site is located north of Las Tablas-Willow Creek Road and west of Niderer Road, approximately four and one-half miles west of Paso Robles.

The project site is developed with two residences, an accessory barn, and approximately 10 acres of a dry farmed walnut orchard (this includes some portions of the orchard that appear to extend beyond the applicant's parcel boundary). The site consists of approximately 11.8 acres of Class II soils (nonirrigated) and 30 acres Class VI soils. If irrigated, only approximately 1 acre of the site's soil would qualify as Class II soil, while other soil classifications would not change. These agricultural resources do not meet the minimum requirements for standard subdivision, which would require a minimum of 40 acres of dry farmed orchard or 320 acres of a grazing use per proposed parcel. Such standards were established to protect agricultural resources for long-term agricultural uses. Surrounding properties are within the Agriculture land use category and support wine grape vineyards, dry farm orchards, dry farmed grain and grazing uses.

B. Evaluation of Potential Impacts

Agriculture and Open Space Element and Land Use Ordinance

The proposed parcel map does not qualify for subdivision according to the standard tests for minimum parcel size in the Agriculture and Open space Element AGP21: Minimum Parcel Size Criteria for the Division of Agricultural Lands, and the Land Use Ordinance. The TDC program provides for the creation of one additional parcel on properties that cannot otherwise qualify for a subdivision, including properties within the Agriculture land use category, if the property meets all the other criteria to be designated a receiver site. The Agriculture Department is concerned about the use of agricultural lands as TDC receiving sites.

Agriculture Policy 15 – Transfer of Development Credits, and Framework for Planning policies state that the purpose of the TDC Program is to:

- Protect both land with agricultural capability and the business of agriculture itself.
- Help protect agricultural resources by guiding development to more suitable areas.
- Direct growth and development away from agricultural areas, thereby reducing potential conflicts with agricultural activities.

The proposed project would not protect agricultural resources. As proposed, it would:

- divide a property with some agricultural potential into two properties each with inadequate resources to sustain a long-term agricultural operation;

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2/6

- create additional substandard agricultural parcels in a rural and agricultural setting. Substandard parcels are among those most likely to convert to nonagricultural use and to create additional incompatibilities with existing nearby agricultural operations;
- allow for an additional guest house or granny unit on each proposed parcel;
- establish a precedent for dividing any agricultural property with two residences merely to accommodate the current owners; and
- fail to meet any of the objectives of the transfer of development credits program (LUO 22.24.010A), which is to "relocate development from environmentally sensitive land, land with agricultural capability, or antiquated subdivisions to more suitable areas.

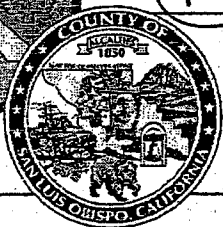
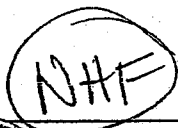
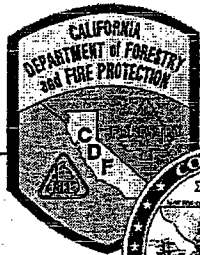
Impacts to On-Site Agricultural Capability

The existing parcel consists of approximately ten acres of dry farmed walnut orchard, and approximately 12 acres of Class IV soils and 30 acres of Class VI soils. The proposed division of these resources would result in potential significant impacts to agricultural resources because each proposed parcel would not have adequate resources to ensure sustainable long-term agricultural production. Additionally, the proposed subdivision would allow for additional development that could result in the conversion of soils, which would further impact agricultural capability. The existing parcel configuration is superior in terms of agricultural capability.

Impacts to Adjacent Agricultural Lands

Adjacent and nearby parcels have similar soils. The proposed subdivision utilizing the TDC program may lead to additional similar division proposals and conversion of these productive soils into substandard parcels. Additionally, creation of substandard parcels, as proposed, often results in conversion of the land to non-agricultural uses, creating additional incompatibilities with existing nearby agricultural operations.

If I can be of further assistance, please call 781-5753.

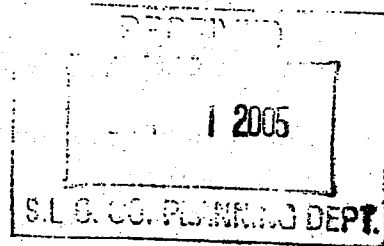


CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

May 31, 2005

North County Team
County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408



Subject: Parcel Map Project # SUB2004-00348

Dear North County Team,

I have reviewed the referral for the parcel map plans for the proposed two parcel subdivision project located at 4242 Las Tablas-Willow Creek Road, Paso Robles, CA. This project is located approximately 10 to 15 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires.

It is designated a High Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

○ Parcels less than 1 acres	800 feet
○ Parcels 1 acre to 4.99 acres	1320 feet
○ Parcels 5 acres to 19.99 acres	2640 feet
○ Parcels 20 acres or larger	5280 feet
- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.

- Roads may not exceed 16% without special mitigation and shall not exceed 20%.
- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
 - 0-49 feet, 10 feet is required
 - 50-199 feet, 12 feet is required
 - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

Water Supply

The following applies:

☐ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.

☒ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,

Chad T. Zrelak

Chad T. Zrelak
Fire Captain Inspector

cc: Carnine
EMK & Associates

CP
Zrelak

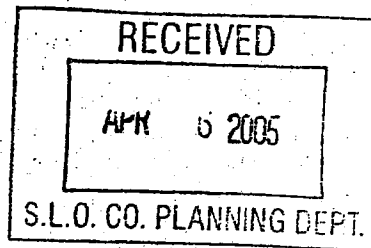
County of San Luis Obispo • Public Health Department

8-16



April 5, 2005

EMK & Associates
1005 Railroad Street
Paso Robles, CA 93446



Environmental Health Services

2156 Sierra Way • P.O. Box 146
San Luis Obispo, California 93406
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

ATTN: **TOBEY OSGOOD**
RE: **TENTATIVE PARCEL MAP CO 05-0090 (CARNINE)**

Water Supply

This office is in receipt of satisfactory **preliminary** evidence of water. Please be advised that additional water well documentation will be required for **each** lot prior to approving the map for recordation. Adequate documentation will include the well completion report, the well capacity (pump test) and full water quality testing, not more than five years old, prior to final recordation.

Wastewater Disposal

Individual wastewater disposal systems are considered an acceptable method of disposal, provided County and State installation requirements can be met.

CO 05-0090 is approved for Environmental Health subdivision map processing.

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

c: Chuck Stevenson, County Planning
Kami Griffin, County Planning
Donald & Shirley Carnine, Owners

NO CO.



(NF)

817

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE:

5/2/05

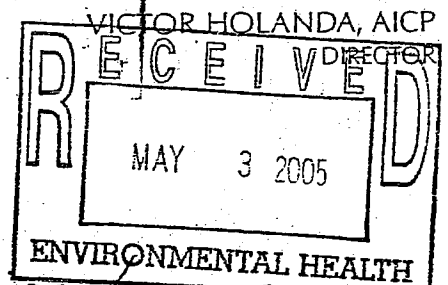
TO:

Env. Health

FROM:

North Co. Team

(Please direct response to the above)



Carnine / CO 05-0090

SUB 2004-00348

Project Name and Number

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNERS)

TDCs → PROJECT DESCRIPTION: Parcel map CO 05-0090. 2 parcel - split, 40 acres being divided into (2) 20 acre - parcels. Located off Las Tablas & Willow Creek Road, Paso Robles, outside Paso Robles. APN: 039-071-021

Return this letter with your comments attached no later than:

5/17/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

____ YES
____ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

____ NO (Please go on to Part III)
____ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

See attached letter. Thanks.

3/4/05
Date

Laurie Salo
Name

781-5551
Phone



April 5, 2005

EMK & Associates
1005 Railroad Street
Paso Robles, CA 93446

ATTN: **TOBEY OSGOOD**
RE: **TENTATIVE PARCEL MAP CO 05-0090 (CARNINE)**

Water Supply

This office is in receipt of satisfactory **preliminary** evidence of water. Please be advised that additional water well documentation will be required for **each** lot prior to approving the map for recordation. Adequate documentation will include the well completion report, the well capacity (pump test) and full water quality testing, not more than five years old, prior to final recordation.

Wastewater Disposal

Individual wastewater disposal systems are considered an acceptable method of disposal, provided County and State installation requirements can be met.

CO 05-0090 is approved for Environmental Health subdivision map processing.

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

c: Chuck Stevenson, County Planning
Kami Griffin, County Planning
Donald & Shirley Carnine, Owners

Environmental Health Services

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

819



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

5/2/05

FROM

PW

FROM

North Co. Team

(Please direct response to the above)

Carnine / CO 05-0090

SUB 2004-00348

Project Name and Number

Development Review Section (Phone:

788-2009

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNING)

PROJECT DESCRIPTION:

TDCs → Parcel map CO 05-0090. 2 parcel -
split, 40 acres being divided into (2) 20 acre -
parcels. Located off Las Tablas & Willow Creek Road,
Paso Robles, outside Paso Robles. APN: 039-071-021

Return this letter with your comments attached no later than:

5/17/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

?

YES

NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

✓

NO

(Please go on to Part III)

YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

No Title Report, No Record Data on Map (Dimensions), structures are to be
Accuracy shown - House on parcel one appears to be mislocated approx 100 ft. ^{Part 2} House
& creek appear to be a bit off also. Overall the proposal appears acceptable if
TDC's are acceptable in the AG zone. State conditions attached. It is
my understanding of Calif B & P Code 6735 and 8761 that the map requires the name & number
of the

23 May 2005
Date

Gardwin
Name

5252
Phone

100%
protection
that pre
it

EXHIBIT B

8-20
CONDITIONS OF APPROVAL FOR CO 05-0090, CARNINE/EMX

Approved Project

This approval authorizes the division of a _____ acre parcel into _____ parcels of _____ *acres / square feet* each.

Access and Improvements

☐ Roads and/or streets to be constructed to the following standards:

- a. _____ constructed to a _____ section within a _____ foot dedicated right-of-way.
- b. _____ widened to complete a _____ section fronting the property.
- c. _____ constructed to a _____ section from the property to _____ (minimum paved width to be _____ feet).

☐ The applicant offer for dedication to the public by certificate on the map or by separate document:

- a. For future road improvement _____ feet along _____ to be described as _____ feet from the recorded centerline.
- b. For future road improvement _____ feet along _____ to be described as _____.
- c. For road widening purposes _____ feet along _____ to be described as _____ feet from the recorded centerline.
- d. The _____ foot road easement as shown on the tentative parcel map with a _____ foot radius property line return at the intersection of _____.
- e. A _____ foot radius property line return at the intersection of _____.
- f. The _____ foot road easement terminating in a county cul-de-sac as shown on the tentative map.

Drainage

8-21

- ☐ _____ is not capable of carrying additional runoff. Construct off-site drainage facilities for an adequate outlet, or provide evidence of adequate drainage easements.
- ☐ The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
- ☐ Submit complete drainage calculations to the Department of Public Works for review and approval.
- ☐ If calculations so indicate, drainage must be **retained/detained** in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
- ☐ If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. granted to the public in fee free of any encumbrance.
 - b. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
 - c. reserved as a drainage easement in favor of the owners and assigns.
- ☐ If a drainage basin is required, a zone of benefit be formed within _____ for maintenance of the drainage basin. Application to be filed with the The Department of Public Works Administrator.
- ☐ If a drainage basin is required, this development be annexed to _____ for maintenance of the drainage basin. Evidence of acceptance to be filed with the Department of Public Works.
- ☐ The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program. *Provide WQID # to County*

Wastewater Disposal

- ☐ Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. (Parcel(s) _____, only).
- ☐ A community septic system shall be installed with a centralized leaching area and shall have a 100% or greater additional expansion area. The area for the community septic tank system and disposal area shall **be granted in fee on the map to the appropriate maintenance agency for maintenance with the right of ingress and egress / shall be kept as open space within easement for sewage treatment purposes granted to a homeowner's association.** Impervious paving over a disposal area is not considered acceptable.

- 8-22
- ☐ The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Vector Control and Solid Waste

- ☐ A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet **Land Use Ordinance / Coastal Zone Land Use Ordinance** requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

- ☐ Provide minimum fire flow of _____ gallons per minute as per nationally recognized standard. Fire flows to be maintained for a minimum two-hour duration.
- ☐ The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.
- ☐ Designate a fire lane within all the driveway areas. This lane to be minimum width of twenty (20) feet. *(USE FOR MULTI-FAMILY/COMMERCIAL PROJECTS ONLY)*

Parks and Recreation (Quimby) Fees

- ☐ Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total **number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them / or the number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.**
- ☐ For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

Affordable Housing Fee

- ☐ Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.
- C-3
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- d. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans.
- e. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- f. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- g. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
- h. The limits of inundation from a 100 year storm over lots 2 from Willow Creek creek / river shall be shown on the additional map and note the required building restriction in the on the sheet.
- i. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- j. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated _____ from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. (ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)
- l. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- A. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
- m. PUT ANY MITIGATIONS FROM DEVELOPER'S STATEMENT HERE **ONLY IF THEY GO BEYOND RECORDATION OF THE MAP** _____

Miscellaneous

8-24



This subdivision is also subject to the standard conditions of approval for all subdivisions using **community water and sewer / community water and septic tanks / individual wells and septic tanks**, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.



A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.



Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.



Prior to the sale of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.



All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

CM
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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

WF

DATE:

5/2/05

TO:

Larry Kelly

FROM:

North Co. Team

(Please direct response to the above)

Carnine / CO 05-0090

SUB 2004-00348

Project Name and Number

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION:

TDCs → Parcel map CO 05-0090. 2 parcel-
split, 40 acres being divided into (2) 20 acre-
parcels. Located off Las Tablas & Willow Creepe Road,
Paso Robles, outside Paso Robles. APN: 039-071-021

Return this letter with your comments attached no later than:

5/17/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

YES
NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

NO (Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

OK

Date

5/3/2005

Name

Larry W Kelly

Phone

5799

FROM: SLO CO PLANNING & BLDG

FAX NO.: 805-781-1242

Sep. 01 2005 02:19PM P1



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

9-1-05

TO:

APCD - Melissa Guise

FROM:

North Co. Team
(Please direct response to the above)
Nick Forester

Carnine / CO 05-0090
SUB 2004-00348
Project Name and Number

Development Review Section (Phone: 788-2009)

*OR ASK THE SWITCH-
BOARD FOR THE PLANNED

PROJECT DESCRIPTION:

TDCs → Parcel map CO 05-0090. 2 parcel -
split, 40 acres being divided into (2) 20 acre -
parcels. Located off Las Tablas & Willow Creek Road,
Paso Robles, outside Paso Robles. PPN: 089-071-021

Return this letter with your comments attached no later than: 5/17/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO (Please go on to Part III)
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

APCD has no comment on this project as
it is consistent w/ the minimum ag parcel size
& is outside of a URL.

Date

8 Aug 05

Name

Andy Mutziger

Phone

5956

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